

REMARKS

Favorable action on the merits is solicited in view of the following remarks.

I. Interview, Claim Status and Amendments

Applicants thank Examiner Swope for her time and consideration during the personal interview with the undersigned on October 21, 2009 and the brief telephone discussion on November 23, 2009. The examiner has agreed to wait for receipt of the present amendment before acting on the case. Applicants again thank Examiner Swope her assistance. See below for a more detailed discussion of the substance of the interview.

Claims 20, 25, 69-70, 72, 75, 82-91, 100, and 102-105 presently appear in this application. Claims 20, 25, 72, 84, and 89 have been withdrawn. Claims 69, 70, 75, 82, 83, 85-88, 90, 91, and 102-105 have been examined on the merits and stand rejected. No claims have been allowed.

By way of the present amendment, claims 69, 70, 82, 83, 87, 88, 102, and 104 have been amended in the manner discussed in the interview. Support can be found throughout the general disclosure. No new matter has been added. See below for the support in the disclosure for the claim amendments.

Claims 75, 103, and 105 have been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional on any cancelled subject matter.

## **II. Advisory Action and Rejections**

In the Advisory Action, the examiner maintained the enablement rejection and the written description rejection, despite the arguments in the response filed September 21, 2009.

In particular, claims 69, 70, 75, 82, 83, 85-88, 90, 91, and 102-105 remain rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement for the reasons set forth on pages 2-5 of the final Office Action of April 20, 2009 and for the reasons noted in the Advisory Action of September 29, 2009.

Claims 69, 70, 75, 82, 83, 85-88, 90, 91, and 102-105 also remain rejected under 35 U.S.C. § 112, first paragraph, for lack of written description support for the reasons set forth on pages 5-6 of the final Office Action of April 20, 2009 and for the reasons noted in the Advisory Action of September 29, 2009.

These rejections are respectfully traversed for the reasons set forth in the response filed September 21,

2009 and the response filed March 24, 2009 (which arguments are reiterated herein by reference).

In the interview, Examiner Swope clarified and confirmed her positions with respect to the rejections. She noted her intention to maintain the rejections over the claims as they stood prior to the present amendment. According to the examiner, the enablement rejection will be maintained as to the treatment of diseases, because the specification: (i) fails to present conclusive evidence demonstrating a clear nexus between NF- $\kappa$ B and cyc interaction and pathogenesis of disease, and (ii) fails to provide *in vivo* evidence demonstrating that the claimed peptide can be used to treat any disease, let alone one involving NF- $\kappa$ B and cyc interaction. The examiner asked whether more concrete evidence in the form of *in vivo* data could be presented in declaration form to explain and support the claims. Applicants again respectfully disagree for reasons of record.

Nonetheless, for the sole purpose of expediting prosecution and not to acquiesce to the rejections, Applicants have amended the claims, along the lines discussed in the interview, to obviate the rejections.

In the interview, it was suggested that claim 69 be amended along the lines of "A method of modulating

cytokine stimulating cyc signaling, comprising administering to a subject in need thereof an amount of a polypeptide effective to bind to cyc and inhibit the interaction between cyc and NF- $\kappa$ B inducing kinase (NIK), wherein . . .” Support can be found in the disclosure at page 11, lines 4-25, and at page 23, lines 3-15. Similarly, it was suggested that claim 70 be amended the lines of “A method of modulating NIK induced NF- $\kappa$ B activation signaling, comprising administering to a subject in need thereof an amount of a polypeptide effective to bind to cyc and inhibit interaction between cyc and NF- $\kappa$ B inducing kinase (NIK), wherein . . .” Support can be found at page 13, lines 9-15, page 20, lines 9-15, and at page 23, lines 3-15. The claims have been amended in this manner. The examiner acknowledged that such amendments would be entered and considered even though the suggested language slightly shifts the claimed subject matter. Applicants again thank the examiner for her assistance.

As to the enablement and written description rejections with respect to the peptide itself, the examiner suggested revising claims 69 and 70 in the manner done herein. In this regard, it seems the examiner has reconsidered her previous position with respect to the derivatives language. The claims have been so amended.

It was also noted that the dependent claims would have to be revised to be consistent with the above-noted revisions to the independent claims. The claims have been so amended.

Accordingly, by way of the present amendment, the claims have been amended in the manner discussed in the interview. It is believed that the present amendment obviates the remaining enablement and written description rejections. Thus, withdrawal of the rejections and allowance of the claims are requested.

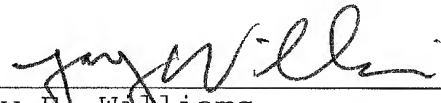
As discussed in the interview, please contact the undersigned attorney at the telephone number below in the event that further claim changes are needed.

### III. Conclusion

It is respectfully submitted that the claims are in condition for allowance, and favorable action thereon is requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By   
Jay F. Williams  
Registration No. 48,036

JFW:pp  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
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